

REMARKS

1. Applicant thanks the Examiner for the Examiner's comments, which have greatly assisted Applicant in responding, especially in the Response to Arguments section.

2. **35 USC §102.**

The Examiner rejected Claims 1-47 under 35 USC §102(e) as being unpatentable [sic] over Horowitz (U.S. 6,349,290).

Applicant respectfully disagrees.

First, Applicant respectfully inquires of the Examiner if the Examiner meant to write "... rejected Claims 1-47 under 35 USC §102(e) 'as being anticipated by' ...".

Second, Applicant respectfully points out to the Examiner that the Examiner supported the Examiner's 102 rejection by citing full paragraphs, but not specific features within the paragraphs, and without any explanation. Thus, in Applicant's opinion, such citations made room for ambiguity as to which feature(s) within the prior art of reference is meant to anticipate the invention as claimed. However, whenever possible and within the spirit of timely prosecution, Applicant tried to properly apply the Examiner's rejection without jeopardizing rights of Applicant.

Claim 1

Claim 1 appears as follows:

1. (original) A system for monitoring business performance indicators in a networked environment, comprising:
 - a data source having a predefined format;
 - an agent communicatively coupled to the data source, wherein the agent is configured according to the data source format and wherein the

agent is operative to gather data from the data source and translate the data into a first modified format thereby creating modified data;

a reaper communicatively coupled to the agent and configured to retrieve the modified data from the agent;

a data repository communicatively coupled to the reaper and configured to store the modified data;

an alert detector communicatively coupled to the data repository and configured to compare the modified data with a first configuration parameter; and

a dashboard controller communicatively coupled to the data repository and configured to display the modified data in a format defined by a second configuration parameter.

Specifically, the Examiner stated that Horowitz discloses claims [sic] (emphasis added):

1. A system for monitoring business performance indicators in a networked environment, comprising:

a data source having a predefined format (col. 3, line 57-col.4, line 4; col. 4, lines 42-58);

Applicant is not clear what in herewith, according to the Examiner, anticipates a data source.

Horowitz's col. 3, line 57-col.4 appears as follows:

An aspect of an embodiment of the present invention includes use of information referred to as token data, which is a capture or building of a database regarding the customer's financial essence, such as a determination of the customer's assets

and how the customer interacts with product and service offerings of the financial institution. The system for an embodiment of the present invention enables the financial institution to formulate an impression or analysis of the customer's token, using computer encapsulation of the perception that the system forms of the customer. In this sense, the system for an embodiment of the present invention forms an opinion or impression of the customer and modifies the opinion over time as it interacts with the customer.

Applicant respectfully requests that the Examiner identify what the Examiner is using to anticipate 'a data source having a predefined format'. Is it 'token data'? It is not clear to Applicant.

And col. 4, lines 42-58 to Horowitz appears as follows:

In connection with responsive type advice for the customer, the advice engine for an embodiment of the present invention retrieves and reads, for example, one or more categories of financial institution data, such as presentation data, marketing and business rules data, and customer profile data. In connection with proactive type advice for the customer, the advice engine retrieves and reads, for example, one or more categories of financial institution data, such as customer pertinent news data, customer asset investment data, customer interaction frequency data, customer purchasing history data, customer risk factor appraisal data, and customer risk assessment data. Also in connection with proactive advice for the customer, the advice engine automatically filters one or more categories of data for the customer, such as news of the day, special events tied to the current date, and sales information of interest to the customer.

Applicant is not clear what the Examiner is using to anticipate 'a data source having a predefined format' from the citation hereinabove. Does the Examiner mean, for example, the data which are retrieved and read by the advice engine?

Next, the Examiner stated that Horowitz discloses claims [sic] (emphasis added):

an agent communicatively coupled to the data source, wherein the agent is configured according to the data source format and wherein the agent is operative to gather data from the data source and translate the data into a first modified format thereby creating modified data ("token data");

Applicant clearly claims an agent taking as input data from the data source and translating such data into modified data.

Applicant respectfully points out to the Examiner that it appears that the Examiner used 'token data' to anticipate a data source having a predefined format and then used 'token data' to also anticipate the claimed invention's modified data.

Further support that the claimed invention's a data source having a predefined format and modified data are distinct sets of data can be found in the Specification in paragraph [0016] as follows:

Briefly, the agents 140 are used to gather information from various data sources, third party applications, data servers, legacy systems, etc., and reformat the data into a common scheme using XML.

Clearly, Horowitz does not teach 'an agent communicatively coupled to the data source, wherein the agent is configured according to the data source format and wherein the agent is operative to gather data from the data source and translate the data into a first modified format thereby creating modified data' as in the Claim 1. The prior art of record does not teach all the limitations of Claim 1. Therefore, Applicant is of the opinion that Claim 1 and the respective dependent claims are in condition for allowance. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection under 35 USC §102(e).

Independent Claims 28, 35, 37, and 43-47.

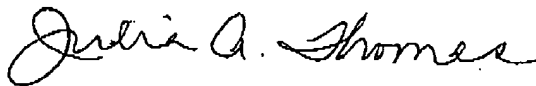
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In view of the above, Applicant is of the opinion that independent Claims 28, 35, 37, 43-47 and the respective dependent claims are in condition for allowance. Accordingly, Applicant respectfully request that the Examiner withdraw the rejection under 35 USC §102(e).

CONCLUSION

Based on the foregoing, Applicant considers the present invention to be distinguished from the art of record. Accordingly, Applicant earnestly solicits the Examiner's withdrawal of the rejections raised in the above referenced Office Action, such that a Notice of Allowance is forwarded to Applicant, and the present application is therefore allowed to issue as a United States patent. The Examiner is invited to call to discuss the response.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Julia A. Thomas".

Julia A. Thomas,

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